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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/654,188

09/02/2003

Michael Gardner

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STITES & HARBISON PLLC - CINGULAR

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ALEXANDRIA, VA 22314

EXAMINER

HWANG, JOON H

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,188

Applicant(s)

GARDNER ET AL.

Examiner

Joon H. Hwang

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-26 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are ~~withdrawn from consideration~~. *Canceled.*
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The applicants canceled claims 1-2 and added new claims 3-26 in the preliminary amendment received on 11/16/04.

The pending claims are 3-26.

Claim Objections

2. Claims 3, 12, 14-20 and 22-26 are objected to because of the following informalities:

- “The system of claim” in 1st line of claims 14-20 should be “The method of claim”;
- “The computer medium of claim” in 1st line of claims 22-25 should be “The computer-readable medium of claim”;
- “The system of claim” in 1st line of claim 26 should be “The computer-readable medium of claim”;
- “the configuration” in 4th line of claim 3 should be “a configuration”; and
- “at least one device” in 4th line of claim 12 should be “at least one network device”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitations of “storing said common data in a common data table *in communication with a meta-data table* and storing said performance data in a performance data table *in communication with said meta-data table*” in claims 12 and 21 are not supported by the specification. Since claims 13-20 and 22-26 incorporate the deficiencies of claims 12 and 21, they are likewise rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al. (U.S. Publication No. 2005/0216421).

With respect to claim 3, Barry teaches at least one user interface device for enabling requesting of a network performance report and selection of the configuration of the report by specifying at least one of the following input parameters: common data and performance data (fig. 5, section 122 on page 6, sections 139-141 on page 8, section 199 on page 14, section 242 on page 19, and section 302 on page 25). Barry teaches a call statement module configured to receive and convert said input parameters into a database procedure call statement (sections 279-280 on page 23). Barry teaches a database report module programmed to: (i) receive said procedure call statement; (ii) query meta-data tables comprising network data so as to determine location of information for data responsive to said call statement; (iii) receive from said meta-data tables the location information; and, (iv) use the location information to retrieve data responsive to said call statement (sections 279-280 on page 23, section 318 on page 27, sections 329-330 on page 29, and figs. 20-21). Barry teaches a report presentation module that is programmed to: (i) receive the responsive data; and (ii) convert the responsive data into the requested network performance report having the selected configuration (sections 279-280 on page 23 and section 273 on page 22).

With respect to claim 4, Barry teaches the system provides access to both (i) performance data comprising statistical measurement data, and (ii) a common data source containing common data about reported network devices not included in the statistical measurement data, so as to permit the common data and statistical data to be grouped by management areas (fig. 21 and sections 313 and 318 on page 27).

With respect to claim 5, Barry teaches a first data file comprising the common data for at least one network device within said network, and a second data file comprising the performance data for said device (fig. 21, sections 313 and 318 on page 27, and section 319-322 on page 28).

With respect to claim 6, Barry teaches the common data identifies at least one of the following output parameters: physical location, technology, vendor, commercial sector, market, geographic location, related personnel, and air interface technology (fig. 21, sections 313 and 318 on page 27, and section 319-322 on page 28).

With respect to claim 7, Barry teaches the performance data includes values related to at least one of the following output parameters: call volume, busiest time period, quality of service, dropped calls, blocked calls, message volume, maintenance status, and report status (fig. 21, sections 313 and 318 on page 27, and section 319-322 on page 28).

With respect to claim 8, Barry teaches the network device comprises at least one of the following devices: switches, cell sites, and nodes (fig. 21, sections 313 and 318 on page 27, section 319-322 on page 28, and section 407 on page 39).

With respect to claim 9, Barry teaches a processor programmed to use the location information to view the first and second data files for the responsive data (sections 279-280 on page 23, section 318 on page 27, sections 329-330 on page 29, and figs. 20-21).

With respect to claim 10, Barry teaches the system provides access to common source data regarding the network device, and the system further comprises a common

data loader programmed to load the common source data into the first data file (fig. 21, section 275 on page 22, section 302 on page 25, sections 313 and 318 on page 27, section 319-322 on page 28, and section 407 on page 39).

With respect to claim 11, Barry teaches the system provides access to performance source data regarding the network device, and the system further comprises a common data loader programmed to load the performance source data into the second data file (fig. 21, section 275 on page 22, section 302 on page 25, sections 313 and 318 on page 27, section 319-322 on page 28, and section 407 on page 39).

With respect to claim 12, Barry teaches retrieving common data related to at least one network device and retrieving performance data related to said at least one device (fig. 21, section 275 on page 22, section 302 on page 25, sections 313 and 318 on page 27, section 319-322 on page 28, and section 407 on page 39). Barry teaches storing said common data in a common data table in communication with a meta-data table and storing said performance data in a performance data table in communication with said meta-data table (fig. 21, section 275 on page 22, section 302 on page 25, sections 313 and 318 on page 27, section 319-322 on page 28, and section 407 on page 39). Barry teaches creating a procedure call statement in response to a request for a report of a specific configuration, wherein the request includes report parameters selected from at least one of said data tables (fig. 5, section 122 on page 6, sections 139-141 on page 8, section 199 on page 14, section 242 on page 19, sections 279-280 on page 23, and section 302 on page 25). Barry teaches querying said meta-data table for information regarding data identified by said call statement and using said

information to create a query statement (sections 279-280 on page 23, section 318 on page 27, sections 329-330 on page 29, and figs. 20-21). Barry teaches executing said query statement so as to select data from at least one of said data tables; and using the data selected to produce a report having said specific configuration (sections 279-280 on page 23 and section 273 on page 22).

The limitations of claims 13 and 22 are rejected in the analysis of claim 4 above, and these claims are rejected on that basis.

The limitations of claims 14 and 23 are rejected in the analysis of claim 5 above, and these claims are rejected on that basis.

The limitations of claim 15 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

The limitations of claim 16 are rejected in the analysis of claim 7 above, and the claim is rejected on that basis.

The limitations of claim 17 are rejected in the analysis of claim 8 above, and the claim is rejected on that basis.

The limitations of claims 18 and 24 are rejected in the analysis of claim 9 above, and these claims are rejected on that basis.

The limitations of claims 19 and 25 are rejected in the analysis of claim 10 above, and these claims are rejected on that basis.

The limitations of claims 20 and 26 are rejected in the analysis of claim 11 above, and these claims are rejected on that basis.

The limitations of claim 21 are rejected in the analysis of claim 12 above, and the claim is rejected on that basis.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joon Hwang
Patent Examiner
Technology Center 2100

6/23/06